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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 ,) Case No. CV RNB
12 Plaintiff(s),)
13 vs.) CIVIL BENCH TRIAL ORDER
14 ,)
15 Defendant(s).)
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18 This case is set for a bench trial before the Honorable Robert N. Block, in
19 Courtroom No. 6D, Ronald Reagan Federal Building and United States Courthouse,
20 411 West Fourth Street, Santa Ana, California.

21 To facilitate the efficient conduct of the trial in this matter, all parties shall
22 review carefully the following Order and instructions, as well as the Court's
23 Scheduling and Case Management Order.

24
25 **I. Proposed Findings of Fact and Conclusions of Law**

26 On the date specified in the schedule attached as Exhibit A to the Scheduling
27 and Case Management Order, each party shall lodge its proposed Findings of Fact and
28 Conclusions of Law. Concurrently, each party shall also deliver to chambers a copy

1 of this document on disk in either Microsoft Word or WordPerfect® 6.0 or higher
2 format.

3
4 **II. Witness Declarations**

5 Concurrently with the filing of their proposed Findings of Fact and Conclusions
6 of Law, counsel for each party shall either (a) file and serve by e-mail, fax, or personal
7 delivery an executed declaration in lieu of direct testimony for each witness that party
8 intends to call at trial, or (b) if, and only if, such testimony is contained in discrete
9 portions of a deposition, lodge a copy of the deposition provided it has been marked
10 in accordance with the Local Rules (including with the opposing party's objections to
11 the proffered evidence).

12 Not later than five (5) court days prior to trial, each party shall file and serve by
13 e-mail, fax, or personal delivery its written objections (if any) to the testimony
14 contained in the opposing party's declarations. Failure to timely file such written
15 objections will be deemed by the Court as a waiver of any evidentiary objections.

16 The Court expects to read the declarations and/or pertinent portions of the
17 lodged depositions in chambers prior to trial. At trial, the Court will rule on any
18 timely-filed objections, and permit “live” questioning only for cross-examination and
19 re-direct of each such witness.

20 These provisions do not apply to adverse or hostile witnesses; rather, counsel
21 may call such witnesses to the stand for live examination during their case-in-chief.

22
23 **III. Trial Times**

24 The Court generally conducts bench trials Tuesday through Friday, from 8:30
25 a.m. to 2:30 p.m., with two 15-minute breaks, normally at 10:00 a.m. and 12:00 p.m.
26 This schedule is subject to change.

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1 **IV. Exhibits**

2 A. Format

3 The parties shall prepare their exhibits for presentation at trial by placing them
4 in 3-ring binders in the following format.

5 1. Each binder shall be divided by tabs down the side with
6 corresponding exhibit numbers.

7 2. In the original set of exhibits to be filed with the Court and
8 maintained by the Courtroom Deputy during trial, each exhibit shall be
9 tagged with the appropriate filled-out exhibit tags in the lower or upper
10 right hand corner of the first page of each exhibit.

11 3. The exhibits shall be numbered in accordance with Local
12 Rule 26-3.

13 4. The front of each binder shall contain a list of each exhibit
14 included, with a notation indicating whether the parties have stipulated
15 to the admission of the exhibit.
16

17 B. Filing

18 Each party shall file an original and one copy of their exhibit binder(s) on the
19 first day of trial. The parties shall also present to the Courtroom Deputy three (3)
20 extra copies of the joint exhibit list.
21

22 **V. Deposition Transcripts**

23 The Court expects strict compliance with Local Rules 16-2.7 and 32-1. If not
24 already lodged, an extra copy of each deposition transcript anticipated to be used at
25 trial for any purpose shall also be presented to the Courtroom Deputy on the first day
26 of trial, when counsel check in.

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1 **VI. Extra copies of Witness Lists**

2 When counsel check in on the first day of trial, they shall also present to the
3 Courtroom Deputy three (3) copies of their witness list, in the order in which the
4 witnesses are anticipated to testify. If a witness is not going to be testifying live, then
5 the words "By deposition" shall be added in parentheses and underlined in red after
6 the witness' name.

7
8 **VII. Opening Statements, Closing Argument, and Post-Trial Briefs**

9 It is the Court's general practice to dispense with opening statements in bench
10 trials.

11 For an overview and review of the evidence, the Court will rely exclusively on
12 closing argument. It will not accept or read post-trial briefs, unless specifically
13 authorized in advance. In delivering their closing arguments, counsel should use their
14 respective proposed findings of fact and conclusions of law as a "checklist," and
15 should identify the evidence that supports each proposed finding.

16
17 **VIII. Rules of Courtroom Etiquette**

18 **A. Examination of Witnesses**

19 1. Counsel should examine witnesses from the lectern only, and
20 speak audibly and clearly when examining a witness or interposing an
21 objection. Counsel should instruct their witnesses to speak audibly and clearly
22 as well.

23 2. Counsel should not approach a witness without securing
24 permission in advance from the Court. The Court will only grant permission
25 for the limited purpose of placing a document (after showing it first to opposing
26 counsel) before the witness. If necessary to direct the witness' attention to
27 something particular in the document, counsel may remain adjacent to the
28 witness box for that limited purpose. Otherwise, counsel shall return to the

1 lectern when the purpose of the approach is finished.

2 3. If a party is represented by more than one lawyer, only one lawyer
3 may conduct the direct or cross-examination of a given witness, or argue a
4 given motion.

5 4. At the end of each trial day, counsel for the party presenting its
6 case shall advise opposing counsel of the witnesses anticipated to be called the
7 following trial day with an estimate of the length of direct-examination.
8 Opposing counsel shall then provide an estimate of the length of cross-
9 examination.

10
11 B. Objections to Questions

12 1. Counsel should rise when making an objection.

13 2. Counsel should not use objections for the purpose of making
14 speeches, recapitulating testimony or attempting to coach the witness.

15 3. When objecting, counsel should rise to state the objection, and
16 then state only that counsel is objecting and the legal ground of the objection
17 (e.g., hearsay, irrelevant, etc.). If counsel wishes to argue an objection further,
18 counsel should ask for permission to do so.

19
20 C. Use of Depositions

21 1. In using depositions of an adverse party for impeachment, counsel
22 shall use either one of the following procedures:

23 a. If counsel wishes to read the questions and answers
24 as alleged impeachment and ask the witness no further questions
25 on that subject, counsel shall first state the page and line where the
26 reading begins and the page and line where the reading ends, and
27 allow time for any objection. Counsel may then read the portions
28 of the deposition into the record.

1 b. If counsel wishes to ask the witness further questions
2 on the subject matter, the deposition shall be placed in front of the
3 witness and the witness shall be instructed to read silently the
4 pages and lines involved. Then counsel may ask the witness
5 further questions on the matter and thereafter read the quotations,
6 or counsel may read the quotations and thereafter ask the further
7 questions. Counsel should have an extra copy of the deposition
8 for this purpose.

9 2. Where a witness is absent and the witness' testimony is offered by
10 deposition, a reader should occupy the witness chair and read the testimony of
11 the witness while the examining lawyer asks the questions. However, if the
12 offered testimony is relatively short in length (i.e., less than one transcript
13 page), then the Court will permit counsel to read both the questions and the
14 answers.

15
16 D. Use of numerous answers to interrogatories and/or requests for
17 admission

18 Whenever counsel expects to offer a group of answers to interrogatories or
19 requests for admission extracted from one or more lengthy documents, counsel should
20 prepare a new document listing each question and/or request for admission and each
21 answer, and identifying the document from which the answer has been extracted.
22 Copies of this new document should be given to the Court and opposing counsel. This
23 procedure is intended to conserve time.

24
25 E. Exhibits

26 1. Each counsel should keep his/her own list of exhibits and keep
27 track of which exhibits have been admitted into evidence.

28 2. Each counsel shall be responsible for any exhibits that he/she

1 secures from the Courtroom Deputy and, at all recesses and at the afternoon
2 adjournment, shall return all exhibits in his/her possession to the Courtroom
3 Deputy.

4 3. An exhibit not previously marked should, at the time of its first
5 mention, be accompanied by a request that the Courtroom Deputy mark it for
6 identification. To save time, counsel should show a new exhibit to opposing
7 counsel before it is mentioned in Court.

8 4. When referring to an exhibit, counsel should refer to its exhibit
9 number whenever possible. Witnesses should be instructed to do the same.

10 5. Absent unusual circumstances, counsel shall not ask witnesses to
11 draw charts or diagrams nor ask the Court's permission to do so. If counsel
12 wishes to question a witness in connection with graphic aids, the material
13 should be fully prepared before the court session begins.

14
15 F. Promptness of Counsel and Witnesses

16 1. Counsel are expected to arrive on time and be prepared to proceed,
17 as the Court intends to start on time. Promptness also is expected from
18 witnesses. It shall be counsel's duty to advise the Court on the first day of trial
19 of any commitments in any other court on subsequent trial days that may result
20 in absence or late arrival. However, the Court reserves the right to insist that,
21 once trial has commenced, it shall be counsel's first priority.

22 2. If a witness was on the stand at a recess or adjournment, it is the
23 duty of counsel who called the witness to have the witness back on the stand,
24 ready to proceed, when Court resumes.

25 3. Counsel should not run out of witnesses. If counsel has no more
26 witnesses to call and there is more than a brief delay, the Court may deem that
27 party to have rested.

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1 4. The Court attempts to cooperate with doctors and other
2 professional witnesses and will, except in extraordinary circumstances,
3 accommodate them by permitting them to be called out of sequence. Counsel
4 should anticipate any such possibility and discuss it with opposing counsel in
5 advance. If there is an objection, this should be brought to the Court's attention
6 in advance.

7
8 G. Advance Notice of Unusual or Difficult Issues

9 If any counsel has reason to anticipate that a difficult question of law or
10 evidence will necessitate legal argument regarding research or briefing, counsel must
11 give the Court advance notice. Counsel shall notify the Courtroom Deputy at the
12 day's adjournment if an unexpected legal issue has arisen that could not have been
13 foreseen and addressed by a motion in limine. See Fed. R. Evid. 103.

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15 H. General Decorum

16 1. The trial is not an oratorical contest. The trial should be a quiet,
17 dignified search for the truth.

18 2. Counsel should rise when addressing the Court.

19 3. All remarks by counsel should be addressed to the Court. While
20 the judge is present, counsel should not address the Courtroom Deputy, the
21 Reporter or opposing counsel. If counsel wishes to say something to opposing
22 counsel, permission from the Court to speak off the record should be requested.
23 All requests for the re-reading of questions or answers, or to have an exhibit
24 placed in front of a witness, should be addressed to the Court.

25 4. Counsel should not address or refer to witnesses by their first
26 names, unless they are children.

27 5. The maintenance of personal dignity requires care in the
28 pronunciation of a person's surname. If necessary, counsel should inquire

1 privately, in advance of the first reference to the name in court, how a person
2 pronounces his or her name and how he or she prefers to be addressed (e.g.,
3 whether Maria Lopez Garcia prefers to be referred to as Ms. Garcia or Mrs.
4 Lopez Garcia).

5 6. While Court is in session, counsel should not leave the counsel
6 table to confer with investigators, secretaries or witnesses in the back of the
7 Courtroom unless permission has been secured in advance from the Court.

8 7. Counsel should not by facial expression, nodding or other conduct
9 exhibit any opinion (adverse or favorable) concerning any testimony being
10 given by a witness. Counsel should admonish their own clients and witnesses
11 to avoid such conduct.

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13 IT IS SO ORDERED.

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15 DATED: _____

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18 ROBERT N. BLOCK
19 UNITED STATES MAGISTRATE JUDGE
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